IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

MONDAY, THE 9TH APRIL 2007 / 19TH CHAITHRA 1929

Crl.Rev.Pet.No. 1525 of 2007()

ST.197/2004 of JUDL. MAGISTRATE OF FIRST CLASS-III, KOCHI

.....

REVN. PETITIONER: PETITIONER/COMPLAINANT

MR.M.M.CHERIAN, AGED 63 YEARS,
S/O.CHERIA MATHEW, CHALAPURATH-THURUTHEL,
KARIKODE P.O., PERUVA VIA, KOTTAYAM DISTRICT.

BY ADV. SRI.ALIAS M.CHERIAN

RESPONDENTS: ACCUSED

---

1. MR.DILEEPKUMAR, THUNDIPARAMBIL HOUSE,
MARUNUKADA JUNCTION, PALLURUTHY P.O.,
KOCHI, ERNAKULAM DISTRICT.

2. STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY ADV. SRI. AMJAD ALI, PUBLIC PROSECUTOR

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 09/04/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R. UDAYABHANU, J

==========

CRL. R.P. NO. 1525 OF 2007

==========

Dated this the 9th day of April 2007

O R D E R

The revision petitioner is the complainant in the proceedings initiated proceedings under Section 138 of the Negotiable Instruments Act that stands dismissed under Section 204(4) Cr.P.C. It is submitted that the revision petitioner was mislead by the advocate's clerk as to the posting dates. He has also produced the complaint filed by him before the Sheristadar of the District Court as well as the President of the Advocate Clerks Association against the lawyer's clerk concerned.

2. In the circumstances, the order of the court below is set aside. The court below is directed to permit the petitioner is further pursue the matter. The revision petitioner shall appear before Judicial First Class Magistrate IV, Kochi on **25.04.2007**.

The Crl. R.P is disposed of accordingly.

K.R. UDAYABHANU, JUDGE.

RV